

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>SIMON GILL, Plaintiff,</b>  <b>v.</b>  <b>CITY OF PHILADELPHIA, et al., Defendants.</b>	<b>CIVIL ACTION</b>  <b>NO. 2:13-cv-06997-MMB</b>
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**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of October 2015, after review of Defendant City of Philadelphia's Motion for Summary Judgment as to Count III of Plaintiff's Complaint (ECF No. 26) and Plaintiffs' Response in Opposition thereto (ECF No. 28), it is hereby **ORDERED** that:

1. Defendant City of Philadelphia's Summary Judgment Motion is **GRANTED**, and Count III of Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**; and
2. a final pretrial conference will be held by telephone on November 9, 2015 at 3:00 p.m.

Plaintiff's claims against the other Defendants are not impacted by this Order.

**BY THE COURT:**

/s/ Michael M. Baylson

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**MICHAEL M. BAYLSON, U.S.D.J.**

